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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	Case No. CR-15-00226-EJD
)	
Plaintiff,)	THE UNITED STATES' AMENDED JURY
)	INSTRUCTIONS
v.)	
)	Trial Date: August 25, 2015
DOUGLAS YORK,)	Time: 9:00 a.m.
)	Courtroom: Hon. Edward J. Davila
Defendant.)	

The United States respectfully provides the Court with an updated jury instruction to include an instruction for Count Two of the Superseding Indictment. Depending on the evidence at trial, additional instructions may be required and leave is respectfully requested to include additional instructions as may become appropriate.

DATED: August 14, 2015

Respectfully submitted,

MELINDA HAAG
United States Attorney

_____/s/_____
BRIANNA L. PENNA
JEFFREY SCHENK
Assistant United States Attorneys

DISPUTED INSTRUCTION NO. ____
RE: FALSE IMPERSONATION OF FEDERAL OFFICER OR EMPLOYEE – ELEMENTS
GOVERNMENT OFFERED

The defendant is charged in Count Two of interstate telecommunications harassment in violation of 47 U.S.C. 223(a)(1)(C). In order to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

The defendant (1) in interstate or foreign communications (2) made a telephone call or utilized a telecommunications device (3) without disclosing his identity (4) intending to abuse, threaten, or harass any person at the called number or who received the communications.

There were no model jury instructions found for this particular statute. See 47 U.S.C. 223(a)(1)(C).